

AMENDED IN SENATE MARCH 31, 2005

**SENATE BILL**

**No. 118**

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**Introduced by Senator Chesbro**

January 27, 2005

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An act to amend Section 23661.2 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 118, as amended, Chesbro. Alcoholic beverages: licenses and fees.

The Alcoholic Beverage Control Act imposes upon the Department of Alcoholic Beverage Control the responsibility to administer and enforce state laws with respect to alcoholic beverages, including the implementation of alcoholic beverage licensing. Among other things, the act authorizes any unlicensed adult resident of this state to apply to the department and be issued a permit to receive a shipment of wine from any state that allows adult residents of that state to receive shipments of wine from this state, as provided. *The act also provides that an individual or licensee in a state that affords California licensees or individuals an equal reciprocal shipping privilege, may ship, for personal use, and not for resale, no more than 2 cases of wine per month to any adult resident in this state.*

This bill would *allow an individual or licensee to ship no more than 24 cases of wine annually, and would also make technical, nonsubstantive changes to those provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 23661.2 of the Business and Professions Code is amended to read:

23661.2. (a) Notwithstanding any other law, any unlicensed adult resident of California may apply to the Department of Alcoholic Beverage Control and be issued a permit to receive a shipment of wine, including vermouth and champagne, from any state of the United States that allows adult residents of that state to receive by permit of nominal cost shipments of no less than nine liters of wine, including vermouth and champagne, per month from California. The shipment into this state shall be made in accordance with rules adopted by the department, but the total shipments permitted in any calendar month to a person shall not be in excess of nine liters. A common carrier to whom the permit is presented is authorized to make delivery of the shipment to the person named in the permit. Delivery of a shipment pursuant to the permit shall not be deemed to constitute a sale in this state.

(b) Notwithstanding any other law, an individual or licensee in a state that affords California licensees or individuals an equal reciprocal shipping privilege, may ship, for personal use and not for resale, no more than ~~two~~ 24 cases of wine (no more than nine liters each case) ~~per month~~ annually to any adult resident in this state. Delivery of a shipment pursuant to this subdivision shall not be deemed to constitute a sale in this state.

The shipping container of any wine sent into or out of this state under this section shall be clearly labeled to indicate that the container cannot be delivered to a minor or to an intoxicated person.